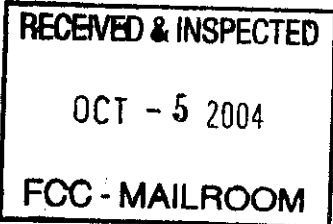


EX PARTE OR LATE FILED



September 23, 2004

*Regency Broadcasting, Inc.*

VIA ECFS ELECTRONIC FILING  
Marlene H. Dortch, Esquire  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

ORIGINAL

Re: Notice of Proposed Rulemaking  
MB Docket No. 04-232

Dear Ms. Dortch:

The purpose of this letter is to oppose any FCC requirement -- as set forth in the above referenced Notice of Proposed Rulemaking, released July 7, 2004 -- that broadcasters make and retain recordings of their programming for a certain period of time.

The owners of Regency Broadcasting, Inc. have been in the radio broadcast business since 1959 -- and owned stations since 1977. Their companies have never received a complaint related to indecency. I believe this is true of most small market radio station operators. Our request to the Commission is that it does not unfairly burden thousands of radio stations over a potential problem that very seldom occurs.

Small-market radio stations, such as ours, are vastly different from large major market operations. We operate with small staffs doing multiple jobs. The proposed recording process would have to be carefully supervised, since it would be a regulatory requirement, and the task would necessarily fall to an existing staffer, who is already stretched thin. Other options would be to add a staff member OR to add digital recording equipment (hard-drives, etc.) which fail from time to time, thus defeating the purpose and intent of the rule-making. Either of these options creates a larger problem for us....large expenditures that we cannot absorb easily and remain in the business. For small-market stations -- and many are still selling radio spots for as little as five or six dollars -- this is more money than their budgets and limited capital funds can tolerate.

The current focus on indecency is overblown and, possibly politically driven. I don't believe it is widespread in the radio industry, and especially not in Small Market Radio. It seems to us that there have been only a few indecency complaints that have been brought and those mainly targeted major-market disc jockeys and large broadcast companies.

We, therefore, oppose burdening Small Market owners with a rulemaking to fix a problem we have never experienced, do not have now, and, hopefully, will never have!

Respectfully,

Beth Auldridge,  
Vice President/General Manager

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